

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

ORDER

On August 4, 2006, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is

ORDERED and ADJUDGED as follows:

1. That the Recommendation be and is hereby ADOPTED;
2. That the defendant's motion to dismiss be and is hereby DENIED; and
3. That the plaintiff's claims be and are hereby REFERRED back to the

Magistrate Judge for further proceedings.

Done this the 22nd day of August 2006.

/s/ W. Harold Albritton
W. HAROLD ALBRITTON
SENIOR UNITED STATES DISTRICT JUDGE